



Practitioner's Docket No. 2507/101

**PATENT**

**REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY BY INVENTOR**  
(37 C.F.R. § 1.175)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor of the subject matter that is described and claimed in letters patent number 5,954,671, granted on September 21, 1999, and for which invention I solicit a reissue patent on the invention entitled Bone Harvesting Method and Apparatus, the specification of which was filed on August 3, 2001, as reissue application number 09/922,555.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

**PRIORITY CLAIM**

I do not claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent. No such applications have been filed. I claim priority of provisional application No. 60/082,340 filed April 20, 1998.

**STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT**

That I believe the original patent to be partly inoperative or invalid by reason of the patentee claiming more or less than the patentee had a right to claim in the patent (37 C.F.R. § 1.175(a)(1)).

That all the claims of the original patent require either the use of an "impactor cap" or a "forked cannula" is an error.

All errors which are being corrected up to the time of the filing of this reissue declaration arose without any deceptive intention on the part of the applicant. (37 C.F.R. § 1.175(a)(2)).

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Bruce D. Sunstein,  
Robert M. Asher,  
Timothy M. Murphy,  
Steven G. Saunders,  
Harriet M. Strimpel,  
Samuel J. Petuchowski,  
Jeffrey T. Klayman,  
John J. Stickevers,

Registration No. 27,234  
Registration No. 30,445  
Registration No. 33,198  
Registration No. 36,265  
Registration No. 37,008  
Registration No. 37,910  
Registration No. 39,250  
Registration No. 39,387

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Elizabeth P. Morano,  
Jay Sandvos,  
Alexander J. Smolenski, Jr.,  
John L. Conway,  
Barbara J. Carter

Registration No. 42,904  
Registration No. 43,900  
Registration No. 47,953  
Registration No. 48,241  
Registration No. P52,703

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

---

**SEND CORRESPONDENCE TO**

**DIRECT TELEPHONE CALLS TO:**

Address: Timothy M. Murphy  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110-1618US

617-443-9292

Customer No.: 02101

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**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE BY THE INVENTOR**

Full name of sole or first inventor:

Michael J. O'Neill

Inventor's signature

Date

*Michael J. O'Neill*  
*May 9, 2003*

Country of Citizenship:

US

Residence:

Hanover, MA

Post Office Address:

2071 Washington Street  
Hanover, MA 02339



Practitioner's Docket No. 2507/101

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael J. O'Neill

Patent: 5,954,671

Issue Date: September 21, 1999

Inventors: Michael J. O'Neill

Title: Bone Harvesting Method and Apparatus

Commissioner for Patents  
Washington, D.C. 20231

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STATEMENT UNDER 37 C.F.R. § 3.73(b)--  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

IDENTIFICATION OF ASSIGNEE

2. Name of assignee: Paradigm BioDevices, Inc.  
Type of assignee: Corporation

PERSON AUTHORIZED TO SIGN

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date: May 27, 2003

Timothy M. Murphy

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. Name of person authorized to sign on behalf of assignee: Michael J. O'Neill  
Title of person authorized to sign: President and CEO

I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

**BASIS OF ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

A.

1. An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at Reel 012418, Frame 0623.



**Signature of authorized person**

Michael J. O'Neill  
President and CEO

Date: May 27, 2003



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